

#### **D. REMARKS**

Claims 1, 2, 6-12, 17-20, 27, 29 and 34-38 and 40-48 remain in this application and claims 49-54 are added by this amendment. Claim 39 is cancelled by this amendment. Allowance of claims 27, 29 and 48 as well as allowability of claims 2, 6-11, 38, 39 and 41-47 is noted. Claims 3-5, 13-16, 21-26, 28, and 30-33 were previously cancelled. Claims 34-37 are withdrawn from consideration following a restriction requirement.

Claim 1 and 7 are amended to more distinctly describe the subject matter of applicant's invention. Claim 2 is amended to place the claim in independent form as suggested in the Office Action. No new matter is added by these amendments.

#### **1. CLAIM OBJECTION**

Claim 7 was objected to as failing to recite a further limitation. Claim 7, as amended, overcomes this objection. The claim in revised form does not include inert gases, halogens and other materials. This limits the subject matter in claim 7 when compared to the parent claim.

#### **2. REJECTIONS UNDER 35 U.S.C. 112**

Claim 39 was rejected under 35 U.S.C. 112. Claim 39 has been cancelled making the rejection moot.

#### **3. REJECTIONS UNDER 35 U.S.C. 102**

Claims 1, 12, 40 and 17-20 were rejected under 35 U.S.C. 102 as anticipated by Moskovits et al. This rejection is respectfully traversed.

Claim 1 in amended form calls for, amongst other things, for parallel nanoscale pores connecting the two sides of the AAO substrate. The support for the amended language of claim 1 is at least in the last paragraph of page 13 through page 14 and once again in Example 2. Moskovits et al. do not teach at least these features of claim 1 and they do not offer any motivation to create such a structure.

Moskovits et al. teach a ceramic device with pores that do not connect both sides of the AAO substrate. For example, see Figures 1-3, lines 27-29 in column 7,

and line 66 of column 7 through Line 2 of column 8. The reference consistently emphasizes the need for portion 16 or equivalent of oxide layer separating the pore from aluminum substrate. At column 3, lines 5-8, for example, the reference specifically teaches that the depth of the pores must be controlled to leave this portion 16. Accordingly, the reference teaches away from the features of claim 1, as amended.

For at least these reasons, it is respectfully submitted that Moskovits et al. do not teach or offer any motivation for teachings and amended claims presented. It is therefore requested that the rejection of independent claim 1, and dependent claims 12, 17-20 and 40 under 35 USC 102 be withdrawn.

#### 4. CONCLUSION

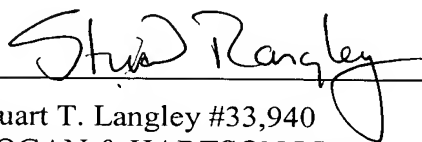
In view of all of the above claims 1, 2, 6-12, 17-20, 27, 29 and 34-54 are believed to be allowable and the case in condition for allowance which action is respectfully requested. The references that were cited and not relied upon are believed to be no more pertinent than those references that were relied upon.

No fee is believed to be required by this response as determined on the accompanying transmittal letter. Should any other fee be required, please charge Deposit 50-1123. This response is filed together with a request for a two month extension of time and the required fee of \$205. Should any additional extension of time be required please consider this a petition therefore and charge the required fee to Deposit Account 50-1123.

Respectfully submitted,

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BY: \_\_\_\_\_



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